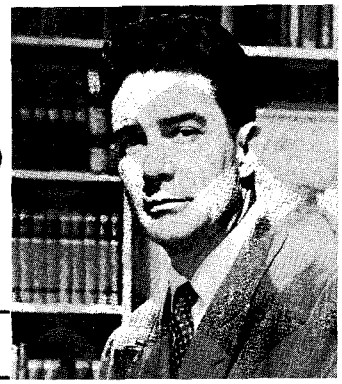
THE
Dan Smoot Report

Vol. 9, No. 26 (Broadcast 411) July 1, 1963 Dallas, Texas



DAN SMOOT

CIVIL RIGHTS ACT OF 1963

On February 28, 1963, President Kennedy asked Congress for legislation in the field of civil rights which would:

(1) provide federal referees to supervise voting in areas where any colored person had brought suit claiming he had been denied the right to vote;

(2) require such suits to be given preferential treatment in the federal courts;

(3) prohibit, in elections involving federal offices, the application of different tests and standards to different voter applicants;

(4) eliminate state literacy qualifications for voting, by providing that completion of the sixth grade must be taken as presumption of literacy;

(5) expand the authority of the Civil Rights Commission and extend its life beyond November 30, 1963, when, under present law, it is due to go out of existence;

(6) give special federal technical and financial assistance to school districts in the process of desegregation.[1]

One of the most important powers of state governments is that of setting voter qualifications. No subject was more thoroughly debated during the Constitutional Convention of 1787.[2]

When an illiterate, shiftless, propertyless, irresponsible individual (of any race) has as much voice in selecting national rulers and in changing the organic law of the nation (amending the Constitution) as an industrious, thrify, productive individual, what is to prevent the dregs and drones of society from plundering hard-working and productive citizens? Politicians can fan

THE DAN SMOOT REPORT, a magazine published every week by The Dan Smoot Report, Inc., mailing address P. O. Box 9538, Lakewood Station, Dallas 14, Texas, Telephone TAylor 1-2303 (Office Address 6441 Gaston Avenue). Subscription rates: $10.00 a year, $6.00 for 6 months, $18.00 for two years. For first class mail $12.50 a year; by airmail (including APO and FPO) $14.50 a year. Reprints of specific issues: 1 copy for 25¢; 6 for $1.00; 50 for $5.50; 100 for $10.00 — each price for bulk mailing to one person. Add 2% sales tax on all orders originating in Texas for Texas delivery.

Copyright by Dan Smoot, 1963. Second class mail privilege authorized at Dallas, Texas.
No reproductions permitted.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

hatred in low-income groups for middle and upper-income groups, telling the "masses" they are poor because they are oppressed; making them believe that everyone who has something somehow acquired it by evil means; promising to soak the well-to-do with taxes for "benefits" to the poor in order to redistribute the national wealth and guarantee that everyone has his "fair share."

The Founding Fathers were aware of this danger in "democracy." They had studied the record of how it had destroyed ancient civilizations — just as anyone today can see how a similar situation creates poverty, wild disorder, and tyranny in many Latin American nations where unscrupulous politicians go into the squatters' slums, buying votes with promises to pull down the high and mighty and to provide free and easy living for the masses.

The Founding Fathers wanted a constitutional system in which all — high and low, rich and poor, good and bad, lazy and hard-working, thrifty and profligate, weak and strong, educated and illiterate, stupid and intelligent — all would be equal before the law; all equally free to lead their own kind of life, as long as they did not infringe on the rights of others; all enjoying the same guarantees against tyrannical oppression by their own government. But the Founding Fathers felt that the *vote* — which, in final analysis, is the power to set the policies and direct the affairs of the nation — should be restricted to mature individuals who could understand, and have some vested interest in, the necessity of maintaining a constitutional system of government.

Hence, there was demand in the Constitutional Convention of 1787 that the right to vote be somehow restricted to responsible citizens. There were proposals that the federal government be assigned the role of establishing voter qualifications throughout the union. All such proposals were based on the fear that individual states might grant the voting right to people not quailfied to exercise it.[2]

The proposals were defeated, however, because of a greater fear that pervaded the thinking of the Founding Fathers: fear of creating a federal government so strong that it could destroy state governments and eliminate God-given rights of individuals. Admitting the *need* for voter qualifications which would keep the power of the ballot out of the hands of irresponsible people, the Founding Fathers felt that there was a greater need to leave this basic attribute of sovereignty in the individual states. They rejected all proposals for constitutional provisions which would give the federal government *any* authority in this field.

Hence, the President's proposals for federal intervention in elections violate the intent, the spirit, and the provisions of the Constitution.

As to the need for action to guarantee qualified negroes the right to vote — there is no need. Throughout the South, voter qualifications (whether they be poll tax or literacy requirements) apply equally to whites and negroes.

The President's proposal for a law requiring that civil rights "voting" suits be given preferential treatment in the federal courts nullifies the constitutional concept of equality-before-the-law. Why should litigation by one class or color of citizens be given preference over litigation by other citizens?

The President's proposal for special federal financial aid to school districts "in the process of desegregation" is unconstitutional in the sense that all federal aid to education is: namely, there is no delegation of power in the Constitution to the federal government for *any* kind of educational activity; and the Tenth Amendment specifically *prohibits* the federal government from engaging in activity for which there is no constitutional grant of power. Beyond that, the President's proposal would authorize the very kind of discrimination and unequal treatment which he says violates the Constitution: disbursement of federal funds which all taxpayers pay, not to all

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

alike, but to arbitrarily selected groups or communities.

The Civil Rights Commission was created by the Civil Rights Act of 1957. It was to go out of existence in three years; but Congress, in 1960, extended its life for another three years. It is now scheduled to go out of existence in November, 1963; and President Kennedy wants Congress to extend it again. In the six years of its existence, the Civil Rights Commission has recommended one constitutional amendment to institute what virtually amounts to universal suffrage.[3] This would eliminate the old constitutional provisions which leave the establishment of voter qualifications as one of the reserved rights of states. The Commission has made a large number of widely publicized proposals which have had the effect of further agitating and inflaming the already inflammatory racial situation in the United States.

The Omnibus Bill

On June 19, 1963, President Kennedy submitted to Congress a message proposing the Civil Rights Act of 1963. This Act would incorporate all the proposals of his February 28 message, discussed above, plus new proposals which the President groups under five general headings: (1) Equal Accommodations in Public Facilities, (2) Desegregation of Schools, (3) Fair and Full Employment, (4) Community Relations Service, and (5) Federal Programs.[1]

In one proposal under "Federal Programs," the President asks for authority to withhold federal funds, at his discretion, where racial discrimination exists. This has been widely interpreted as a reversal of the stand he took on April 24, when he rejected a Civil Rights Commission proposal that federal funds be withheld from states and communities where discrimination exists. Apparently, the President did not like the Civil Rights Commission proposal because it might have *required* him to withhold all federal aid to "offending" states or communities. The President wants a free hand, and absolute authority, to *grant* or *withhold* aid as *he* pleases — whether racial discrimination is practiced or not; and that is the broad authority he demands in his Civil Rights Act of 1963.

Under the Community Relations Service of his civil rights message, President Kennedy asks Congress to authorize a federal board or commission (in addition to the Civil Rights Commission) which will be formally organized and authorized to do what he and Robert F. Kennedy have been doing for months — that is, to meet with local and state officials, businessmen, leading individuals, and private organizations, explaining to them the kind of action the administration wants and putting pressure on them to comply with official policies before conflict erupts into public view.

In his civil rights message, the President boasts that officials of his administration have already been doing what he now asks Congress to authorize; and he announces that, pending congressional action, he will go ahead and create, by Executive Order, the very organization he is asking legislation for.

Under the Fair and Full Employment section of his civil rights message, the President proposes nothing really new. Rather, he uses the racial crisis as an excuse for urging passage of New Frontier legislation, and for demanding enlargement of programs already in existence.

MANPOWER DEVELOPMENT AND TRAINING PROGRAM: Early in 1962, Congress passed the Manpower Development and Training Act, authorizing the Secretary of Labor to determine the number of Americans who should be working in any specific industry at

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

any given time and place; and authorizing allocation of tax money for training American youth in fields which the *Secretary of Labor* thinks they should be trained in. In his civil rights message of June 19, 1963, President Kennedy urges overall expansion of this program.

YOUTH EMPLOYMENT PROGRAM: On April 10, 1963, the Senate passed Kennedy's Youth Employment Act of 1963. This Act could create an American counterpart of government youth organizations which are essential tools of dictatorship in all communist countries, as they were in nazi Germany and in fascist Italy before World War II. There are strong indications that the House of Representatives will kill this Youth Employment Act. In his civil rights message, Kennedy argues that enlargement and passage of the Act would help relieve racial tensions.

VOCATIONAL EDUCATION: A program of federal aid for vocational education in high schools has been in existence since 1917, and has been enlarged and expanded many times, particularly in recent years. In his civil rights message, Kennedy asks for federal funds to provide part-time employment for students in federally-supported vocational education schools.

ADULT EDUCATION: Among Kennedy's federal-aid-to-education proposals for 1963 (not yet acted on by Congress) is a request for an elaborate adult education program. In his civil rights message, the President requests that his adult education program be enacted and enlarged beyond his original proposals.

PUBLIC WELFARE WORK-RELIEF: In his civil rights message, the President requests additional federal aid to states for the employment of welfare recipients on local public works projects.

FAIR EMPLOYMENT PRACTICES LAW: In his civil rights message, the President renews his request for a federal Fair Employment Practices Act, applicable to both employers and unions, which would outlaw racial discrimination in private employment and in union membership.

In making this proposal, the President admits that two-thirds of the nation's labor force is already covered by federal, state, and local fair employment practices measures of the very kind he requests. Such measures have done nothing to relieve racial tensions or solve racial problems. Indeed, the racial problem is at its worst in areas that already have fair employment practices laws — Washington, D.C., and New York City, for example. Yet the President would violate the Constitution to impose upon the entire nation a type of legislation which will do infinite harm, and no good at all.

In the Desegregation of Schools section of his civil rights proposal, President Kennedy asks congressional authority for the Attorney General to initiate, in federal district courts, legal proceedings against school boards and tax-supported colleges — or to intervene in existing cases — whenever the Attorney General receives a written complaint from any parent or student who says he is being denied "equal protection of the laws" because of segregation.

What could be more "unequal" and "discriminatory" than to give one particular class of citizen the special privilege of by-passing the normal channels of justice which ordinary citizens must follow? An agitator or trouble-maker or crank who happens to be a negro can bring public school and college officials into federal court, by merely writing a letter to the Attorney General; and the agitator will be represented, at no cost to himself, by officials and attorneys of the federal government.

The Equal Accommodations in Public Facilities section of the President's proposed Civil Rights Act of 1963 is the most dangerous of all. Here, in the President's language, is the essence

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of this section:

"I am today proposing, as part of the Civil Rights Act of 1963, a provision to guarantee all citizens equal access to the services and facilities of hotels, restaurants, places of amusement, and retail establishments . . . . The proposal could give the persons aggrieved the right to obtain a court order against the offending establishment or persons.

"Upon receiving a complaint in a case sufficiently important to warrant his conclusion that a suit would materially further the purposes of the act, the Attorney General (if he finds that the aggrieved party is unable to undertake or otherwise arrange for a suit on his own, for lack of financial means or effective representation, or for fear of economic or other injury) will first refer the case for voluntary settlement to the community relations service . . . give the establishent involved time to correct its practices, permit state and local equal access laws (if any) to operate first, and then, and only then, initate a suit for compliance."[1]

The President is not clear about the authority for such legislation. He hints that the Interstate Commerce clause of the Constitution gives the federal government authority to eliminate the right of a private businesssman to select his own customers. At another point, the President suggests that the Fourteenth Amendment may provide the constitutional authority. But here is the President's key sentence concerning the "authority" for federal officialdom to eliminate the private property rights of businessmen:

"The arguement that such measures constitute an unconstitutional interference with property rights has consistently been rejected by the courts in upholding laws . . . designed to make certain that the use of private property is consistent with the public interest."

In Kennedy's view, an American citizen has no right to own and use private property, unless he uses it in a way that officialdom considers to be consistent with the public interest.

Today, it is the demands of racial-agitation groups which fix official notions of what is consistent with the public interest. Tomorrow, it could be something else. President Kennedy recently announced that we must adopt a friendlier attitude toward the Soviet Union and other communist countries.[4] It would show a friendly national attitude toward communists if all private merchants in the United States were compelled to sell merchandise imported from communist countries. The Civil Rights Act of 1963 would give the President ample authority to order such a thing if he should decide that any merchant who refuses to handle communist goods is not using his private property in a way that is consistent with the public interest.

Under authority which he requests in the proposed Civil Rights Act of 1963, the President could order all private employers to hire communists, if the President should decide that this would promote his program of proving to the Soviets that America has no ill will for communists. The President could order employers to hire, or not hire, Catholics, Jews, Presbyterians, Methodists, Mormons, Christian Scientists, atheists, black muslims, Buddhists: the President could compel private businessmen to do anything the President wants, on the simple pretext that he is requiring the use of private property in a way that is "consistent with the public interest."

Why Now?

The President used almost 7,000 words to present the five-point Civil Rights Message which is summarized and discussed above. It is a badly composed, hastily written, ill-at-ease document — replete with inaccurate statements; contradictions; repetitions; flimsy arguments; demagogic appeals to the emotions of hate, fear, and shame.

Why the haste? Some feel that the President, after playing a major role in stirring race feeling to the danger point, cynically used the dan-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ger as a pretext for throwing Congress a civil rights bill which he knew Congress would not pass — but which would monopolize the attention of Congress and thus give the President an excuse for the failure of his legislative program in 1963. Of 25 Bills listed by *Congressional Quarterly* as major legislation, Congress, by June 21, had passed only 3: extension of the draft law; extension of the "emergency" feed grains bill; and raising of the national debt limit. The latter two major bills passed in the House by very close votes, and only after extreme pressures had been exerted by the administration.

Another theory is that Kennedy's proposal of the civil rights legislation in mid-June, 1963, was part of a calculated effort to keep the public so preoccupied with a dangerous domestic issue that it would pay little attention to foreign policy decisions which might, otherwise, cause a storm of protest.

In early 1962, President Kennedy and his Secretary of Defense made public statements to the effect that the American moratorium on nuclear testing (from 1958 through 1961) had left us behind the Soviets in weapons research and development.[5] The President said that nuclear testing was essential to research, vital to our defenses, and that self-interest would compel us to resume and continue nuclear testing until, or unless, we could negotiate with the Soviets a safe, guaranteed test ban, binding on both sides. Throughout 1962 and the first half of 1963, Kennedy officials engaged the Soviets in fruitless negotiations for a test ban treaty. And then, on June 10, 1963, the President announced that he had ordered a halt to American nuclear tests in the atmosphere, without any agreement or commitment at all from the Soviets.[4]

This announcement — involving a life-or-death matter for the nation — made little impression on the public: the media of mass communication were preoccupied with news about the racial crisis.

Kennedy could not have been elected in 1960 without the negro vote, which was promised and delivered by leaders of racial agitation organizations. The President now knows that he has no chance of re-election without the support of these same agitators. Hence, a plausible explanation for the President's sudden decision in mid-June to demand a civil rights bill is that negro leaders virtually ordered him to do so.

Note Adam Clayton Powell's boast that he wrote major portions of Kennedy's June 19 civil rights message. Speaking in Long Beach, California, on June 21, 1963, Powell said:

"The President had no intention of including many of the points that he did in his message. I rewrote half of his speech for him the night before it was delivered before Congress."[6]

In all of American history, it would be hard to find anything more shameful than this. Adam Clayton Powell has been associated with many communist front organizations; he has been criminally indicted for income tax frauds; his tours of foreign nightclubs with his "secretaries," at taxpayers expense, have scandalized the nation; and his hatred for the white man has been openly expressed and broadcast to the nation. This is the man who says he told Kennedy what to put in his civil rights message of June 19, 1963.

The Congress of Racial Equality (CORE) and the National Association for the Advancement of Colored People (NAACP) are both heavily infiltrated, at the top, with communist

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

fronters.[7] Directorates of the two organizations are interlocked (officials of one organization being officials in the other);[7] and they are interlocked with the directorate of the National Urban League and with the directorate of the Southern Christian Leadership Conference — the agitation group of Martin Luther King, who also has a record of pro-communist activities. The Student Non-Violent Coordinating Committee is another organization militantly active in racial agitation.

These outfits (indirectly interlocked with the Council on Foreign Relations) have learned that racial agitation is a profitable activity. Appealing for funds to support their "struggle for racial equality," they raise huge sums of money. Hence, they have developed an intense intra-family rivalry — each one trying to demonstrate, by militant activity, that it is more effective and more deserving of financial support than others.

Adam Clayton Powell appears to be striving for the role of over-all leader and spokesman; and it is Powell who is bringing the policies of all the negro racial agitation groups into line with the policies of the black muslims — a group which advocates black supremacy and violence against whites.[8]

John F. Kennedy, catering to this crowd, is sowing the seeds of hate and violence: the nation will reap a bloody harvest.

It is obvious that President Kennedy's June 19 civil rights proposal *was* an act of kowtowing to radical negro leaders; but astute observers think there was a deeper motive behind the proposal.

President Kennedy, under the pretext of preparing the nation for civil defense in time of emergency, has already, by executive orders, established a plan for total dictatorship. The racial crisis could become the necessary emergency.[9]

After a series of public statements which were

THE DAN SMOOT TELEVISION BROADCASTS ARE PRODUCED ON FILM. HENCE, WE HAVE 16 MM SOUND FILM RECORDINGS COVERING ALL SUBJECTS DISCUSSED IN THIS REPORT. THE FILM IS NOW AVAILABLE TO THE PUBLIC. WRITE FOR FREE FILM CATALOGUE.

* * * * *

WHO IS DAN SMOOT?

Born in Missouri, reared in Texas, Dan Smoot went to SMU in Dallas, getting BA and MA degrees in 1938 and 1940. In 1941, he joined the faculty at Harvard as a Teaching Fellow in English, doing graduate work for a doctorate in American Civilization.

In 1942, he left Harvard and joined the FBI. As an FBI Agent, he worked for three and a half years on communist investigations in the industrial Midwest; two years as an administrative assistant to J. Edgar Hoover on FBI headquarters staff in Washington; and almost four years on general FBI cases in various parts of the nation.

In 1951, Smoot resigned from the FBI and helped start Facts Forum. On Facts Forum radio and television programs, Smoot spoke to a national audience, giving *both sides* of controversial issues.

In July, 1955, he resigned and started his present independent publishing and broadcasting business — a free-enterprise operation financed entirely by profits from sales: sales of *The Dan Smoot Report,* a weekly magazine; and sales of a weekly news-analysis broadcast, to business firms, for use on radio and television as an advertising vehicle. The *Report* and the broadcast gives only *one* side in presenting documented truth about important issues — the side that uses the American Constitution as a yardstick. The *Report* is available by subscription; and the broadcasts are available for commercial sponsorship, anywhere in the United States.

If you think Dan Smoot is providing effective tools for Americans fighting socialism and communism, you can help immensely — by helping him get more customers for his *Report* and broadcasts.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bound to encourage mob action and violence on the part of negro groups, the President suddenly proposed a civil rights program which Congress (if it has any regard at all for the Republic) cannot pass; and then the President, in effect (not directly, but in an oblique way), told the negro agitators not to engage in any more violence *unless* Congress fails to pass the civil rights legislation.

Could there be a more effective means of fanning what Kennedy himself calls the "fires of frustration" into a raging inferno?

What To Do

Americans who value liberty — however they may feel about the racial problem — should *storm* the Congress with demands that the President's Civil Rights Act of 1963 be rejected, in entirety. This Bill *must* be defeated.

NEXT WEEK: More on the racial problem.

FOOTNOTES

(1) Text of President Kennedy's Civil Rights Message, AP dispatch from Washington, *The Dallas Times Herald,* June 19, 1963, pp. 23-4 B

(2) "Debates in the Federal Convention of 1787 as Reported by James Madison," *Documents Illustrative Of The Formation Of The Union Of The American States,* published as House Document No. 398, 69th Congress, Government Printing Office, 1927

(3) "Civil-Rights Report on Schools . . . Voting . . . Housing," *U. S. News & World Report,* September 21, 1959, p. 123

(4) President Kennedy's June 10 address On World Peace," *Congressional Quarterly Weekly Report,* June 14, 1963, pp. 976-8

(5) *The Test Ban: An American Strategy of Gradual Self-Mutilation,* by Stefan T. Possony, *Congressional Record,* March 21, 1963, pp. 4358-70

(6) "Credit For Rights Message Rewrite Claimed By Powell," UPI dispatch from Long Beach, California, *The Dallas Times Herald,* June 23, 1963, p. 17A

(7) "Activities in the Southern States," speech by U. S. Senator James O. Eastland (Democrat, Mississippi), containing official records from the House Committee on Un-American Activities, and Senate Internal Security Subcommittee, *Congressional Record,* May 25, 1961, pp. 8349-63

(8) *Activities of "The Nation of Islam" or the Muslim Cult of Islam, in Louisiana,* Report No. 3, The Joint Legislative Committee on Un-American Activities, State of Louisiana, January 9, 1963

(9) See this *Report,* "Planned Dictatorship," June 3, 1963, for a complete discussion of the Executive Orders issued by President Kennedy.

WHAT YOU CAN DO

Washington officialdom uses your taxes for programs that are creating vast cesspools of waste and corruption — and dragging our Republic into the quicksands of socialism. But what can you do about it?

You can help educate and arouse the people who elect men responsible for harmful programs of government. When enough other Americans know and care as you do, political action to restore our Republic will come.

If *The Dan Smoot Report* was instrumental in bringing you to the point of asking what *you* can do about saving the country from mushrooming big government, here is a checklist for you: Have you urged others to subscribe to the *Report?* Have you sent them reprints of a particular issue of the *Report?* Have you shown them a Dan Smoot film? Have you ever suggested a Bound Volume of *The Dan Smoot Report* for use by speakers, debaters, students, writers? Have you read and passed on to others any of the Dan Smoot books — *The Invisible Government, The Hope Of The World, America's Promise?*

Subscription:	6 months	— $ 6.00
	1 year	— $10.00
1962 Bound Volume		— $10.00
The Invisible Government		
Paperback		— $ 3.00
Clothback		— $ 5.00
The Hope Of The World		— $ 2.00
America's Promise		— $ .50
Film Catalogue		— Free
Reprint List		— Free

NAME *(Please Print)*

STREET ADDRESS

CITY ZONE STATE

(Add 2% Sales Tax in Texas)

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED